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ABSTRACT

The bill proposes to provide financial assistance to States and other agencies and institutions to assist them to: operate and improve existing programs of vocational education; develop new programs of vocational education; provide vocational guidance, counseling, and placement; and provide part-time employment for those who need it. Details are set forth on the apportionment of funds and on the role of national and State advisory councils. Grants to States under this Act are to be used for: vocational-technical programs of instruction, work-experience programs, vocational education personnel development and training, and implementation of previously supported projects and activities. Grants may also be used to help provide specific vocational education services: guidance and counseling; provision of opportunities in private vocational schools; equipment, maintenance, and operation; administration, supervision, planning, and evaluation of programs; acquisition, analysis, and dissemination of data; personnel exchange; use of media and of student, parent, and citizen involvement; operation of business activities in connection with vocational education programs; placement and followup; maintenance and operation of industrial arts courses; and work-study programs. Grants are also provided for research, innovation, and demonstration. (Author/PR)

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U S DEPARTMENT OF HEALTH, EDUCATION & WELFARE
NATIONAL INSTITUTE OF EDUCATION

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94TH CONGRESS
1ST SESSION

S. 1863

IN THE SENATE OF THE UNITED STATES

JUNE 4, 1975

Mr. BEALL (for himself and Mr. PELL) introduced the following bill; which was read twice and referred to the Committee on Labor and Public Welfare

A BILL

To consolidate existing authorities under the Vocational Education Act of 1963 in order to create a more efficient mechanism for Federal assistance to States for vocational education.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vocational Education Act of 1975".

TITLE I—GENERAL PROVISIONS

PURPOSE

SEC. 101. It is the purpose of this Act to provide financial assistance to States and other public and private agencies and institutions to assist them—

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(1) to operate and improve existing programs of vocational education;

(2) to develop new programs of vocational education;

(3) to provide vocational guidance, counseling, and placement; and

(4) to provide part-time employment for those who need such financial assistance in order to undertake or continue participation in programs eligible for assistance under this Act—

so that anyone, including persons with special needs, and regardless of place of residence or level of educational attainment, may prepare for employment or for advanced higher level vocational instruction or acquire new occupational proficiencies through ready access to high quality vocational education programs and services.

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. There are authorized to be appropriated for the fiscal year ending June 30, 1976, and each of the four succeeding fiscal years, $4,316,000 to carry out the purpose of section 106 (f), $358,690,000 to carry out the purposes of title III, and $160,000,000 to carry out the purposes of title IV.

STATE ADMINISTRATION

SEC. 103. (a) Any State desiring to participate in the programs authorized by this Act shall, consistent with State law, designate or establish a State board or agency (hereinafter referred to as the "State board") which will be the sole State agency responsible for the administration of such programs. The responsibility of the State board shall include development of policy with respect to such programs, development and submission to the Commissioner of the annual and long-range plans required by title II, and consultation with the State Advisory Council for Vocational Education and other appropriate State planning agencies as required by section 202. Except with respect to those functions set forth in the preceding sentence, the State board may delegate its responsibilities for operating and supervising vocational education programs to other appropriate State agencies.

(b) In administering programs authorized under this Act, the State board shall adopt procedures which will provide an opportunity for local educational agencies and institutions involved in the provision of vocational education (including groups of such institutions) to appeal and obtain a hearing from the State board with respect to policies, pro-

cedures, programs, and allocation of resources under this Act.

ALLOTMENTS AMONG STATES

SEC. 104. (a) From the amounts appropriated for any fiscal year pursuant to section 102 for the purposes of title III and from 50 per centum of the amount appropriated for such year for the purpose of title IV, the Commissioner shall allot to each State for each fiscal year—

(1) an amount which bears the same ratio to 50 per centum of the sums being alloted, as the product of the population aged fifteen to nineteen, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

(2) an amount which bears the same ratio to 20 per centum of the sums being allotted, as the product of the population aged twenty to twenty-four, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

(3) an amount which bears the same ratio to 15 per centum of the sums being allotted, as the product of the population aged twenty-five to sixty-five, inclusive, in the State in the preceding fiscal year and the State's

allotment ratio bears to the sum of the corresponding products for all the States; plus

(4) an amount which bears the same ratio to 15 per centum of the sums being allotted, as the sum of the amounts allotted to the State under subaparagraphs (1), (2), and (3) for such years bears to the sum of the amounts allotted to all the States under paragraphs (1), (2), and (3) for such year.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year or the succeeding fiscal year for carrying out the program for which such amount has been allotted shall be available, from time to time, for reallotment, on such dates during such year as the Commissioner shall fix, on the basis of criteria established by regulation, first among other programs authorized by this Act within that State and then among other States, except that funds appropriated for the purposes of title IV may only be reallotted for the uses set forth in that title. Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the succeeding fiscal year and shall be deemed to be part of its allotment for the year in which it is obligated.

(c) (1) The allotment ratio for any State shall be 1.00 less the product of—

(A) 0.50, and

(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (i) the allotment ratio in no case shall be more than 0.60 or less than 0.40, and (ii) the allotment ratio for Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be 0.60.

(2) The allotment ratios shall be promulgated by the Commissioner for each fiscal year between October 1 and December 31 of the preceding fiscal year. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available.

(3) The term "per capita income" means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

(4) For the purposes of this section population shall be determined by the Commissioner on the basis of the latest estimates available to him.

NATIONAL ADVISORY COUNCIL FOR VOCATIONAL EDUCATION

SEC. 105. (a) The National Advisory Council for Vocational Education (hereinafter referred to as the "National Council") established pursuant to section 104(a) of the Vocational Education Act of 1963 shall continue to exist during the period for which appropriations are authorized under this Act. Individuals who are members of the Council on the date of the enactment of this Act may continue to serve for the terms for which they were appointed. Members appointed to succeed such individuals shall be appointed by the President for terms of three years. The Council shall consist of not more than twenty-one members each of whom shall be designated as representing one of the categories set forth in the following sentence. The Council shall include persons—

(1) representative of labor and management, including persons who have knowledge of the semiskilled, skilled, and technical employment in the labor market;

(2) representative of new and emerging occupational fields;

(3) in the field of career guidance and counseling;

(4) familiar with labor market problems and administration of employment programs;

(5) knowledgeable about the administration of

State and local vocational education programs, including members of local school boards and private institutions;

(6) experienced in the education and training of handicapped individuals;

(7) familiar with the unique problems of individuals disadvantaged by their socioeconomic backgrounds;

(8) experienced in the education and training of individuals of limited English-speaking ability who require bilingual vocational training;

(9) having special knowledge of postsecondary vocational education programs; and

(10) representing the National Commission for Manpower Policy created pursuant to title V of the Comprehensive Employment and Training Act of 1973; and

(11) representative of the general public (including parents and students)—

(A) who are not representative of categories (1) through (10),

(B) fifty per centum of whom are not Federal employees, and

(C) who constitute no less than one-third of the total membership of the Council.

In appointing the National Council, the President shall insure that there is appropriate representation of both

sexes, racial and ethnic minorities, and the various geographic regions of the country.

(b) (1) The National Council shall meet at the call of the Chairman, who shall be selected by the President, but not less than four times a year.

(2) The National Council shall—

(A) advise the Commissioner with regard to general policy matters relating to vocational education, including the administration of, preparation of regulations for, and operation of, vocational education programs supported with assistance under this Act;

(B) review the administration and operation of vocational education programs under this Act (including the effectiveness of such programs in meeting the purposes for which they are established and operated), make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of the Act) to the Secretary for transmittal to the Congress;

(C) make such interim reports or recommendations to the Secretary, the Commissioner of Education, or to the heads of other Federal departments and agencies as it may deem desirable;

(D) identify, after consultation with the National Commission for Manpower Policy, the vocational education needs of the Nation and assess the extent to which vocational education, employment training, vocational rehabilitation, and other programs under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs;

(E) conduct such studies, hearings, or other activities as it deems necessary to enable it to formulate appropriate recommendations;

(F) examine and evaluate the effectiveness of any federally assisted vocational education programs (including those assisted under this Act), with particular reference to the contributions of such programs to the achievement of objectives sought by the recommendations under clause (B) of this paragraph; and

(G) conduct independent evaluations of programs carried out under this Act and publish and distribute the results thereof.

(c) Members of the National Council who are not regular full-time employees of the United States shall, while serving on business of the National Council, be entitled to receive compensation in accordance with section 444 of the General Education Provisions Act.

(d) The Council, in accordance with the provisions of

title 5, United States Code, governing appointment and compensation of members of the Federal Government, is authorized to appoint such professional, technical, and clerical personnel as may be necessary to carry out its functions.

STATE ADVISORY COUNCILS FOR VOCATIONAL EDUCATION

SEC. 106. (a) Any State which desires to receive a grant under this Act for any fiscal year shall establish an independent State advisory council for vocational education (hereinafter referred to as the "State council") whose members shall be representative of both government and nongovernmental interests. Members of the State council shall be appointed by the Governor or, in the case of States in which the members of the State board of education are elected, by such board. The State council shall include as members a person or persons—

(1) representative of, and familiar with the vocational needs and problems of, management and labor;

(2) representing State industrial and economic development agencies;

(3) representative of community and junior colleges;

(4) representative of other institutions of higher education, area vocational schools, technical institutes, and postsecondary agencies or institutions, which provide

programs of vocational or technical education and training;

(5) responsible for the operation at the local or State level of community colleges having vocational or technical programs;

(6) familiar with vocational teacher education programs;

(7) familiar with the administration of State and local vocational education programs;

(8) having special knowledge, experience, or qualifications with respect to vocational education but who are not involved in the administration of State or local vocational education programs;

(9) familiar with public programs of vocational education in comprehensive secondary schools;

(10) familiar with private programs of vocational education;

(11) familiar with career guidance and counseling services;

(12) representative of local educational agencies operating comprehensive secondary schools;

(13) representative of local school boards;

(14) representative of the public manpower agency (employment service) in the State;

(15) representative of the Manpower Services Council of the State;

(16) representing school systems with large concentrations of persons who have special academic, bilingual, social, economical, and cultural needs;

(17) having special knowledge, experience, or qualifications, with respect to the special educational needs of physically or mentally handicapped persons;

(18) representative of the general public, including a person or persons representative of and knowledgeable about the poor and disadvantaged; and

(19) representative of vocational education students who are not qualified for membership under any of the preceding clauses of this paragraph.

Members of the State council may not represent more than one of the above-specified categories. In appointing the State council, the Governor or the State board of education (as the case may be) shall insure that there is appropriate representation of both sexes, racial and ethnic minorities, and the various geographic regions of the State.

(b) The functions of the State council shall be to—

(1) advise the State board in the development of the annual and forward State plans for vocational education;

(2) advise the State board on policy matters arising in the administration of programs under the State plan, including the preparation of long-range and annual program plans;

(3) evaluate vocational education programs, services, and activities assisted under this Act and publish and distribute the results thereof;

(4) prepare and submit through the State board to the Commissioner of Education, the Governor or chief executive officer of the State, and the National Council an annual evaluation report, accompanied by such additional comments of the State board as the State board deems appropriate, which (A) evaluates the effectiveness of vocational education programs, services, and activities carried out in the year under review in meeting the measurable program objectives set forth in the annual program plan, and (B) recommends such changes in those programs, services, and activities as may be warranted by the evaluations; and

(5) assist the State board in encouraging the development and installation of local program planning, including the establishment of local planning committees, councils, or groups broadly representative of the community that will participate in the development of local or area plans and make recommendations to the State board for use in developing the State plan.

(c) Not less than ninety days prior to the beginning of any fiscal year in which a State desires to receive a grant under this Act, that State shall certify the establishment of, and membership of, its State council to the Commissioner.

(d) Each State council shall meet within thirty days after certification has been accepted by the Commissioner and select from among its membership a chairman. The time, place and manner of meeting shall be as provided by the rules of the State council, except that such rules must provide for not less than one public meeting each year at which the public is given opportunity to express views concerning vocational education.

(e) State councils are authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their evaluation functions.

(f) From the sums appropriated for any fiscal year pursuant to section 102, the Commissioner is authorized to pay to each State advisory council an amount equal to the reasonable amounts expended by it in carrying out its functions under this Act in such fiscal year, except that the amount available for such purpose for any State for any fiscal year shall not exceed one per centum of the amount allotted to the State under section 104, but such amount shall not exceed $150,000 and shall not be less than $50,000.

LIMITATIONS ON PAYMENTS

SEC. 107. (a) Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction, or for the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

(b) Funds appropriated pursuant to this Act may be used for residential vocational education schools only to the extent that the operation of such schools is consistent with general regulations of the Commissioner concerning the operation of such schools, but in no case may juveniles be assigned to such schools as the result of their delinquent conduct.

DEFINITIONS

SEC. 108. For the purposes of this Act—

(1) the term "area vocational technical school" means—

(A) a specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering employment, or

(B) the department of a high school exclusively or principally used for providing vocational education in no less than five different occupational

fields to persons who are available for study in preparation for entering employment, or

(C) a vocational or technical school and exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering employment, or

(D) the department or division of a junior college or community college or university which provides vocational education in no less than five different occupational fields, operating under the policies of the State board, leading to immediate employment or to homemaking but not necessarily leading to a baccalaureate degree,

if it is available to all residents of the State or an area of the State designated and approved by the State board, and if, in the case of a school, department, or division described in clauses (C) or (D) of this paragraph, it admits as regular students both persons who have completed high school and persons who have left high school;

(2) the term "Commissioner" means the United States Commissioner of Education, and the term "Secretary" means the Secretary of Health, Education, and Welfare;

(3) the term "community college" means any junior college, postsecondary vocational school, technical institute, or any other educational institution (which may include a four-year institution of higher education or a branch thereof) in any State which—

(A) is legally authorized within such State to provide a program of education beyond secondary education;

(B) admits as regular students persons who are high school graduates or the equivalent, or who are beyond compulsory school age;

(C) provides a two-year postsecondary educational program leading to an associate degree, or acceptable for credit toward a bachelor's degree, and also provides programs of postsecondary vocational, technical, occupational, and specialized education;

(D) is a public or other nonprofit private institution;

(E) is accredited as an institution by a nationally recognized accrediting agency or association, or if not so accredited—

(i) is an institution that has obtained recognized preaccreditation status from a nationally recognized accrediting body,

(ii) is an institution whose credits are

accepted on transfer, by not less than three accredited institutions, for credit on the same basis as if transferred from an institution so accredited, or

(iii) is approved by the State board;

(4) the term "industrial arts education programs" means those education programs (A) which pertain to the body of related subject matter, or related courses, organized for the development of understanding about the technical, consumer, occupational, recreational, organizational, managerial, social, historical, and cultural aspects of industry and technology including learning experiences involving activities such as experimenting, designing, constructing, evaluating, and using tools, machines, materials, and processes which provide opportunities for creativity and problem solving and assisting individuals in the making of informed and meaningful occupational choices, and (B) which the State board determines will accomplish or facilitate one or more of the purposes of the Act;

(5) the term "local educational agency" means a board of education or other legally constituted local school authority having administrative control and direction of public elementary or secondary schools in a city, county, township, school district, or political sub-

division in a State, or any other public educational institution or agency having administrative control and direction of a vocational education program;

(6) the term "nonpublic school" or "nonprofit private school" means a school established by an individual, institution, or agency other than the State, subdivisions of the State, or the Federal Government, which is supported primarily by other than public funds, and the responsibility for the operation of whose program rests with other than publicly elected or appointed officials;

(7) the term "operation" used for the purpose of a residential school facility includes maintenance costs, the cost of salaries, equipment, supplies, and materials, and may include but is not limited to other reasonable costs of services and supplies needed by residential students;

(8) the term "persons with special needs" means persons who are or have been adversely affected by physical, mental, academic, socioeconomic, geographic or other factors and conditions and who require special supportive, educational, or guidance assistance in order to benefit from vocational education programs and services;

(9) the term "private vocational training institu-

tion" means a business or trade school, or technical institution or other technical or vocational school, in any State, which (A) admits as regular students only persons who have completed or left elementary or secondary school and who have the ability to benefit from the training offered by such institution; (B) is legally authorized to provide, and provides within that State, a program of vocational or technical education designed to fit individuals for useful employment in recognized occupations, including homemaking; (C) has been in existence for two years or has been specially accredited by the Commissioner as an institution meeting the other requirements of this subsection; and (D) is accredited (i) by a nationally recognized accrediting agency or association listed by the Commissioner pursuant to this clause, or (ii) if the Commissioner determines that there is no nationally recognized accrediting agency or association qualified to accredit schools or a particular category, by a State agency listed by the Commissioner pursuant to this clause, or (iii) if the Commissioner determines that there is no nationally recognized or State agency or association qualified to accredit schools of a particular category, by an advisory committee appointed by him and composed of persons specially qualified to evaluate training provided by schools of that category, which

committee shall prescribe the standards of content, scope, and quality which must be met by those schools and shall also determine whether particular schools meet those standards. For the purpose of this subsection, the Commissioner shall publish a list of nationally recognized accrediting agencies or associations and State agencies which he determines to be reliable authority as to the quality of education or training afforded;

(10) the term "secondary vocational education" means the level of education or training for students in grades seven to twelve, inclusive;

(11) the term "State" includes, in addition to the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands;

(12) the term "vocational education" means vocational, technical, or occupational training or retraining which is provided in public or private secondary or post-secondary institutions or classes, at the work site, or under other innovative arrangements (including field, laboratory work, work experience, and remedial or related instruction incident thereto, and activities sponsored by recognized vocational student organizations)

under public supervision and control or under contract with a State board or local education agency and which is designed (A) to prepare individuals at the secondary or postsecondary level for employment as semiskilled or skilled workers, as homemakers, technicians, or subprofessionals in recognized occupations and new and emerging occupations, or (B) to increase the occupational proficiency of individuals, or (C) to prepare individuals for enrollment in advanced specialized vocational or technical education programs, except those which require a baccalaureate or higher degree; and such term includes various supporting services required to maintain and operate effective programs for all persons (including those with special needs), such as professional preparation; inservice education; administration; curriculum development and dissemination of related information; work experience education arrangements; job placement; vocational home economics education (consumer and homemaking education and occupational home economics education); prevocational education in such programs as industrial arts; guidance and counseling; programs for training public-service volunteers; vocational research and demonstration programs; travel of vocational education personnel and students while engaged in a training

program; activities of vocational student youth organizations when their activities are an integral part of the vocational instructional program; the acquisition, maintenance and repair of instructional supplies, teaching aids, and equipment; and the equipping and operating of residential vocational schools; and

(13) the term "work study" means programs which arrange for employment necessary to assist needy students (including those who are accepted for enrollment) to become or remain enrolled in vocational education programs, including programs arranged by a school through public employers to compensate full-time vocational education students who are financially needy, with public funds for performing work assignments, the earnings from which will facilitate school retention and enable participating students to complete a job preparatory training program.

EFFECTIVE DATE; REPEALER

SEC. 109. (a) This Act shall become effective on July 1, 1975.

(b) The Vocational Education Act of 1963, the Vocational Education Amendments of 1968, and part F of the Education Professions Development Act are repealed, effective on and after July 1, 1975.

(c) (1) Funds granted to a State from appropriations for the fiscal year ending June 30, 1975, for parts B, F, G, and H of the Vocational Education Act of 1963 which are not obligated and expended by the State by that date, and which thereby are available for expenditure during the fiscal year ending June 30, 1976, pursuant to section 412 (b) of the General Education Provisions Act, shall be available for use by the State in carrying out programs described in title III of this Act during the fiscal year ending June 30, 1976.

(2) Funds granted to a State from appropriations for the fiscal year ending June 30, 1975, for parts C and D of the Vocational Education Act of 1963 which are not obligated and expended by the State by that date, and which thereby are available for expenditure during the fiscal year ending June 30, 1976, pursuant to section 412 (b) of the General Education Provisions Act, shall be available for use by the State in carrying out projects and activities which meet the requirements of section 403 of this Act during the fiscal year ending June 30, 1976.

(d) Funds appropriated by the first section of the Smith-Hughes Act (that is the Act approved February 23, 1917 (39 Stat. 929, as amended; 20 U.S.C. 11–15, 16–28), shall be considered as funds appropriated pursuant to section 102 of this Act for the purposes of title III of this Act.

TITLE II—PROGRAM PLANNING

ANNUAL ASSESSMENT OF NATIONAL VOCATIONAL EDUCATION NEEDS AND PRIORITIES

SEC. 201. (a) The Commissioner shall annually conduct an assessment of the status of vocational educational in the Nation in order to ascertain the critical national needs and high national priorities in the field of vocational education. In conducting that assessment, the Commissioner shall consult with and consider the recommendations of the National Advisory Council on Vocational Education. The results of that assessment shall be published in the Federal Register not later than March 31, 1976, and not later than March 31 of each of the four succeeding years.

(b) The Secretary of Labor shall provide information on National, regional, State, and local manpower needs for the use of the Commissioner, other Federal, State, and local officials, and advisory councils charged with responsibilities under this Act.

FORWARD PLAN

SEC. 202. (a) Any State desiring to participate in programs authorized under this Act for any fiscal year, other than the fiscal year ending June 30, 1976, shall prepare, through its State board, a five-year forward plan for vocational education in the State. Such plan meets the requirements of this section if it—

(1) is prepared in consultation with the State advisory council for that State and other appropriate State planning agencies;

(2) provides a long-range assessment of the vocational education needs of the State and establishes long-range program objectives which relate to those needs;

(3) considers the requirements of persons with special needs for vocational education opportunities and provides long-range program objectives designed to meet those requirements; and

(4) provides for the involvement of other appropriate public and private agencies, organizations and institutions in the development of the plan.

(b) The State five-year forward plan shall be submitted to the Commissioner not later than June 30, 1976, and shall, if necessary, be updated in conjunction with the preparation of the annual program plan required by section 203.

ANNUAL PROGRAM PLAN

SEC. 203. (a) Each State desiring to participate in programs authorized by this Act for any fiscal year shall submit to the Commissioner at such time and in such detail as he deems necessary an annual program plan for vocational education (hereinafter referred to as the "annual program plan"). Such plan shall be submitted in accordance with

the procedures set forth in section 434 (b) of the General Education Provisions Act, if applicable.

(b) The Commissioner shall approve the annual program plan submitted by a State if he determines that the plan—

(1) has been prepared in consultation with the State advisory council for that State and other appropriate public and private agencies, organizations, and institutions;

(2) has been submitted only after the State board (A) has given reasonable notice, and afforded a reasonable opportunity for a public hearing, and (B) has implemented policies and procedures to insure that copies of the State plan and all statements of general policies, rules, regulations, and procedures issued by the State board concerning the administration of such plan will be made reasonably available to the public;

(3) describes the present vocational education needs of the State in terms of the purposes of this Act, and sets forth a program of vocational education objectives which affords satisfactory assurance of substantial progress toward meeting the vocational education needs of students and the labor force in the State;

(4) indicates how and to what extent programs, services, and activities to be carried out under the an-

nual program plan during the year will (A) address the critical national needs and priorities for vocational education as assessed by the Commissioner pursuant to section 201, and (B) carry out the objectives set forth in the State's five-year forward plan for vocational education developed pursuant to section 202;

(5) sets forth a detailed plan for the use of funds made available to the State under title IV of this Act, including a description of each research, innovative, and demonstration project and activity to be carried out under that title, and describes the means by which the State intends to incorporate successful and promising projects, practices, and activities developed under that title into the basic program of vocational education in the State;

(6) provides an assessment of Federal, State, and local resources available to meet the vocational education needs of the State and describes how those resources are to be fully utilized in carrying out the annual program plan during the year for which funds are sought under this Act;

(7) provides an assurance that—

(A) not less than 25 per centum of the amount allotted to the State under section 104 (a) for any fiscal year for the purposes of title III, and not less

than 25 per centum of the amount so allotted for the purposes of section 402 will be used to provide vocational education services for persons with special needs, as defined in section 108(8), and

(B) for any fiscal year beginning after September 30, 1976, not less than 25 per centum of the aggregate of the non-Federal contributions required to be made for programs, projects, and activities funded under title III of this Act will be used to provide vocational education services for such persons;

(8) sets forth in detail the policies and procedures to be followed by the State in the distribution of funds to local educational agencies in the State for the programs, services, and activities authorized by this Act, which policies and procedures assure that—

(A) due consideration will be given to the results of periodic evaluations of State and local vocational education programs, services, and activities in the light of information regarding current and projected manpower needs and job opportunities, particularly new and emerging needs and opportunities on the local, State, and National levels.

(B) due consideration will be given to the relative vocational education needs of all population

groups in all geographic areas and communities in the State,

(C) due consideration will be given to the relative ability of particular local educational agencies within the State, particularly those in economically depressed areas and those with high rates of unemployment, to provide the resources necessary to meet the vocational education needs in the areas or communities served by such agencies,

(D) due consideration will be given to the cost of the programs, services, and activities provided by local educational agencies which is in excess of the cost which may be normally attributed to the cost of education in such local educational agencies,

(E) funds made available under this Act will not be allocated to local educational agencies in a manner, such as the matching of local expenditures at a percentage ratio uniform throughout the State, which fails to take into consideration the criteria set forth in paragraphs (A), (B), (C), and (D),

(F) applications from local educational agencies for funds—

(i) have been developed in consultation with representatives of the educational and

training resources available to the area to be served by the applicant,

(ii) are designed to provide the persons to be served with education programs which will make substantial progress toward preparing such persons for a career,

(iii) include assurances of adequate planning to meet the vocational education needs of potential students in the area or community served by such agency,

(iv) include a plan, for meeting the vocational education needs in the area or community served by such agency, taking into account the relationship of the plan to the appropriate comprehensive manpower plan developed under section 105 of the Comprehensive Employment and Training Act of 1973, and

(v) indicate how, and to what extent the vocational education programs, services, and activities proposed in the application will meet the needs set forth pursuant to clause (iii) ; and

(G) no local educational agency which is making a reasonable tax effort, as defined by regulations, will be denied funds for the establishment of new vocational education programs solely because the

local educational agency is unable to pay the non-Federal share of the cost of such new programs;

(9) takes into consideration the State comprehensive manpower plan developed pursuant to section 106 of the Comprehensive Employment and Training Act of 1973; and

(10) provides that any local educational agency dissatisfied with final action with respect to any application for funds under this Act shall be given reasonable notice and opportunity for a hearing.

(c) (1) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State board submitting the plan reasonable notice and opportunity for a hearing.

(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State board administering a State plan approved under subsection (b), finds that—

(A) the State plan has been so changed that it no longer complies with the provisions of subsection (b), or

(B) in the administration of the plan there is a failure to comply substantially with any such provision,

the Commissioner shall notify such State board that no further payments will be made to the State under this title

(or, in his discretion, further payments to the State will be limited to programs under or portions of the State plan not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall limit payments to programs under or portions of the State plan not affected by such failure).

(3) A State board which is dissatisfied with a final action of the Commissioner under this subsection may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Commissioner may modify or set aside his action. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the

Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

(d) (1) If any local educational agency is dissatisfied with the final action of the State board with respect to approval of an application by that local agency for a grant pursuant to this Act, such local agency may, within sixty days after such final action or notice thereof, whichever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State board. The State board thereupon shall file in the court the record of the proceedings on which the State board based its action as provided in section 2112 of title 28, United States Code.

(2) The findings of fact by the State board, if supported

by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the State board to take further evidence, and the State board may thereupon make new or modified findings of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

(3) The court shall have jurisdiction to affirm the action of the State board or to set it aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

AVAILABILITY OF FUNDS FOR PLANNING ACTIVITIES

SEC. 204. Funds granted to a State under title III of this Act for any fiscal year may be used by the State board for the following activities in addition to the activities authorized by that title:

(1) development of forward and annual program plans;

(2) planning for innovative projects and activities to be carried out in succeeding years under title IV; and

(3) planning for the integration of successful innovative projects and activities into the State's basic program of vocational education.

TITLE III—VOCATIONAL EDUCATION PROGRAMS AND SERVICES

AUTHORIZATION OF GRANTS

SEC. 301. From the sums allotted to each State for the purposes of this title for any fiscal year pursuant to section 104, the Commissioner is authorized to make grants to States to assist them in establishing and carrying out vocational education programs and services designed to provide individuals in all communities in the States with readily available high quality vocational education. Grants to States under this title shall not exceed 40 per centum of the expenditures incurred in carrying out the annual program plan in such fiscal year with respect to the purposes of this title, except that in the case of the Trust Territory of the Pacific Islands and American Samoa, such amount shall not exceed 100 per centum of such expenditures.

PROGRAMS

SEC. 302. Grants to States under this title may be used in accordance with an approved annual program plan for the following programs:

(1) vocational-technical programs of instruction, including the development, installation, and operation of programs of vocational education in public or private secondary and postsecondary institutions which are

designed to prepare students for a wide variety of occupations, including homemaking and home economics occupations. Such programs may include those designed—

(A) to prepare students for immediate entry into employment;

(B) to prepare students to continue in an advanced occupational, vocational, or technical program;

(C) to provide those who have completed or left school with new or additional occupational proficiencies;

(D) to enable those who have entered the labor market to increase their occupational proficiencies in order to enter a new field of employment or to improve their advancement opportunities in their present field of employment;

(E) to enable the unemployed to become employable through the development of skills and technical knowledge; and

(F) to provide bilingual vocational education to students who require such instruction in order to benefit from vocational education;

(2) work experience program, including programs of instruction which require employment, placement in

a job, or participation in other activities on the premises of an employer for observation, instruction, work, or work-related experiences. Programs authorized under this paragraph include cooperative or similar instructional programs in which the student has a school-approved involvement with an employer, the terms of which may be intermittent, part time, or on an alternating schedule with other school activities and programs. Such programs may also include—

(A) training personnel to establish, coordinate, and supervise work experience programs;

(B) the provision of student instruction related to the work experience;

(C) the reimbursement of employers for necessary additional costs incurred in providing training through work experience;

(D) payment of costs for services such as transportation of students or other unusual costs that students may not reasonably be expected to assume while enrolled in such a program;

(E) the establishment of necessary procedures for cooperation with public and private employment agencies, labor groups, employers, and other community agencies in identifying suitable jobs for enrollees in work experience programs;

(F) the development of curriculum materials; and

(G) placement and followup activities required to ascertain the impact of the program on the student, the area labor market, and the economy;

(3) vocational education personnel development and training, including—

(A) the development and maintenance of programs for the improvement of the professional vocational education competence of counselors, guidance personnel, teachers, supervisors, researchers, and administrators in public and cooperating private schools, institutions, and State and local educational agencies;

(B) programs designed to update the competencies of such persons in vocational education, vocational student activities, and other related activities through exchanges of personnel, short-term institutes and seminars, and field trips and related travel;

(C) inservice teacher and professional personnel development; and

(D) programs to improve the quality and effectiveness of vocational instruction through the

installation of new curriculum schemes, materials, and bilingual vocational instruction; and

(4) implementation of projects and activities previously supported under title IV of this Act and which have proved to be effective in meeting the vocational education needs of the State.

VOCATIONAL EDUCATION SERVICES

SEC. 303. In order to provide vocational education programs which are comprehensive and of high quality and which make the best utilization of all available resources for meeting the vocational education needs of the State, grants to a State under this title may be used to provide the following services related to vocational education:

(1) vocational guidance and counseling, including—

(A) the provision of information, exploration, and career assessment counseling activities and services to assist all individuals with an interest in the vocational curriculum in their occupational and educational planning and in arranging for necessary educational experiences which will help achieve their career goals;

(B) the development of materials for student, teacher, and counselor use in relating educational

and occupational requirements and opportunities; and

(C) providing opportunities for employers to visit educational settings and for young persons and adults to visit the premises of employers for the purpose of observation and exploration of educational and occupational opportunities and conditions;

(2) the provision of vocational education opportunities for individuals in private vocational training institutions through arrangements with State and local educational agencies;

(3) equipping, maintaining, and operating area vocational technical schools and residential facilities;

(4) administering, supervising, planning, and evaluating of vocational education programs;

(5) acquiring, analyzing, and disseminating data related to vocational education;

(6) exchanging personnel between schools, and other agencies, institutions, and organizations participating in activities to achieve the purposes of this Act, including manpower agencies, business, and industry;

(7) use of diversified media and other techniques of student, parent, and citizen involvement to improve or provide high quality programs and services in vocational education;

(8) operation by schools of business *activities in* connection with vocational instructional programs when required to increase the availability and quality of such instruction;

(9) placement and follow-up of vocational education graduates;

(10) maintenance and operation of industrial arts courses when the State agency determines that such instruction will accomplish or facilitate one or more of the purposes of this Act; and

(11) work-study programs operated by a local educational agency or other public agency or institution: *Provided,* That students employed in work-study programs financed in whole or in part under this Act shall not by reason of such employment be deemed to be employees of the United States for any purpose.

TITLE IV—GRANTS FOR RESEARCH, INNOVATION, AND DEMONSTRATION

PURPOSE

SEC. 401. It is the purpose of this title to authorize the Commissioner to make grants to States and to public and private agencies, organizations, and institutions in order to encourage (1) research into problems relating to vocational education, (2) development of innovative means of meeting the needs of the State and the Nation with respect to voca-

tional education, and (3) demonstration of promising new projects and activities in vocational education.

GRANTS TO STATES

SEC. 402. From the sums allotted to each State for the purposes of this title pursuant to section 104, the Commissioner is authorized to make grants to such State to pay all or part of the cost of carrying out innovative projects and activities, described in the annual program plan of the State, which would carry out the purposes set forth in section 401 and which meet the requirements of section 403.

REQUIREMENTS FOR USE OF FUNDS

SEC. 403. (a) Financial assistance provided to a State under section 402 may be used for—

(1) research in vocational education;

(2) experimental, developmental, and pilot programs and projects designed to test the effectiveness of such research findings;

(3) demonstration and dissemination of innovative means of meeting vocational education needs;

(4) development of new vocational education curriculums;

(5) establishment of cooperative arrangements for training and retraining of vocational education personnel; and

(6) evaluation of projects funded in whole or in part under this title.

(b) Projects and activities assisted under this title must be directed toward meeting one or more of the long-range vocational education needs of the State identified in the five-year forward plan of the State prepared pursuant to section 202, and—

(1) one or more of the critical national needs or high national priorities identified by the Commissioner in his annual assessment of vocational education needs of the Nation published pursuant to section 201; or

(2) one or more of the following objectives:

(A) the development of high quality vocational education programs for urban centers with high concentrations of economically disadvantaged individuals, unskilled workers, and unemployed individuals;

(B) the development of training opportunities for individuals in rural areas and individuals moving from farms to urban areas;

(C) the establishment of guidance and placement centers;

(D) the development and carrying out of

vocational education programs for persons with special needs;

(E) the correction of sex-role stereotyping in training and employment opportunities;

(F) meeting the training, counseling, and placement needs of unemployed youths and adults;

(G) correlating the provision of vocational education opportunities to the current and projected needs of the labor market; or

(H) developing and carrying out bilingual vocational education programs.

(c) (1) In order to insure the funds provided under this title are used only to support innovative projects and activities, funds provided under this title may be used only to pay the cost of the first three years of any such project or activity, except that projects or activities of national significance funded under section 404 may be supported for a fourth year under section 402 if the State board determines that continuation of the project or activity for an additional year would serve to carry out the purposes of this title.

(2) The annual program plan submitted pursuant to section 203 shall set forth the expected amount and duration of Federal financial participation in projects and activities to be conducted under this title. The annual program plan covering the final year of financial support for any such proj-

ect or activity shall indicate the proposed disposition of the project or activity following the cessation of Federal support and the means by which successful or promising projects or activities will be continued or replicated within the State.

(d) Funds provided to a State under this title—

(1) shall be used only to pay for the operation and evaluation of projects and activities described in the annual program plan, and shall not be available to meet the administrative expenses (as defined by the Commissioner pursuant to regulations) of the State board, and

(2) may not be used for construction, other than minor remodeling or alteration of existing structures and the acquisition, installation, modernization, or replacement of equipment necessary to carry out such project or activity.

(e) Funds provided to a State under this title may not be made available to support a project or activity unless the State board determines that adequate provision has been made to evaluate the effectiveness of such project or activity in achieving the purposes of this title and in meeting one or more of the vocational education needs or goals referred to in subsection (b).

(f) Projects assisted under this title may include such

short-term training of personnel as may be necessary to implement an otherwise approvable project.

SPECIAL PROJECTS AND ACTIVITIES OF NATIONAL SIGNIFICANCE

SEC. 404. (a) From the amounts appropriated for the purposes of this title for any fiscal year, the Commissioner shall reserve an amount equal to 50 per centum of the amount so appropriated. The amount so reserved shall be used by the Commissioner to make grants to, or contracts with, public and private agencies, organizations, and institutions (including State boards and local educational agencies) to pay not more than the Federal share of the cost of carrying out vocational education projects or activities of national significance which hold promise of making a substantial contribution to meeting (1) one or more of the critical national needs or high national priorities identified by the Commissioner in his annual assessment of vocational education needs of the Nation conducted pursuant to section 201(a) or (2) one or more of the objectives set forth in section 403(b)(2). Financial assistance may be made available by the Commissioner under this section for any of the activities specified in section 403(a). The Commissioner may also use funds reserved under this section in connection with the assessment of national vocational education needs and dissemination of the results of innovation projects and activities.

(b) The Federal share with respect to projects and activities funded under this section shall be determined by the Commissioner in accordance with a schedule of priorities established by him and published in the Federal Register not later than July 1 of each year. Such schedule shall provide a Federal share of not less than 75 per centum nor more than 100 per centum for the first year of projects and activities designed to meet each of the critical national needs or high national priorities established by the Commissioner pursuant to section 201 (a) and each of the objectives set forth in section 403 (b) (2). The schedule of priorities shall provide a Federal share of not less than 50 per centum nor more than 100 per centum for the second and third years of such projects and activities.

(c) A copy of each application for a grant or contract under this section shall be submitted by the applicant to the appropriate State board simultaneously with submission to the Commissioner. The Commissioner shall not approve such an application until the State board has had an opportunity, for a period of at least thirty days, to review and make comments to the Commissioner on the application.